

Dkt No. 20245800-7039313001
(04-004 US04)**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:)
Brian D. Zelickson, et al.) Group Art Unit: 3736
Serial No.: 10/633,820) Confirmation No.: 7509
Filed: August 4, 2003) Examiner: John Lacyk
For: DEVICE AND METHOD FOR)
TREATMENT OF GASTROESOPHAGEAL)
REFLUX DISEASE)

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR § 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. Copies of US Patents and US Patent Publications are not enclosed, pursuant to the US Patent & Trademark Office amendment to the 37 CFR § 1.98(a)(2)(i) that eliminates the requirement for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application. Copies are not enclosed since each item was submitted or cited in parent application (Patents Nos. 6,073,052; 6,321,121 and 6,604,004).

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

PA/52162957.1

Dkt No. 20245800-7039313001
(04-004 US04)**INFORMATION DISCLOSURE STATEMENT FILING PROVISION:**

- This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.
- However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.
- However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
- This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.
- The fee due under 37 CFR § 1.17(p) is submitted herewith.
- A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.
- This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

- Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

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(04-004 US04)

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- A check in the amount of _____ is enclosed for the above fee(s).
- Please charge _____ to Deposit Account No. 50-2518 for the above fee(s).
- Although applicant believes no fee is required, the Commissioner is authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Bingham McCutchen's Deposit Account No. 50-2518.

Respectfully submitted,
BINGHAM McCUTCHEN LLPDated: July 25, 2005By: DTBDavid T. Burse
Reg. No. 37,104BINGHAM McCUTCHEN LLP
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PTO/SB/08A (08-00)

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Substitute for form 1449A/PTO				Complete if Known	
				Application Number	10/633,820
				Filing Date	August 4, 2003
				First Named Inventor	Brian Zelickson, et al
				Group Art Unit	3736
				Examiner Name	John Lacyk
Sheet	1	of	2	Attorney Docket Number	80-7039313001 (04-004 US04)

U.S. PATENT DOCUMENTS						
Examiner Initials *	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
1.	4,311,154			Sterzer et al.	01-1982	
2.	4,326,529			Doss et al.	04-1982	
3.	4,381,007			Doss	04-1983	
4.	4,612,940			Kasevich et al.	09-1986	
5.	4,646,737			Hussein et al.	03-1987	
6.	4,709,698			Johnston et al.	12-1987	
7.	5,007,437			Sterzer	04-1991	
8.	5,220,927			Astrahan et al.	08-1993	
9.	5,304,169			Sand	04-1994	
10.	5,348,551			Spears et al.	09-1994	
11.	5,364,390			Taboada et al.	11-1994	
12.	5,374,265			Sand	12-1994	
13.	5,437,658			Muller et al.	08-1995	
14.	5,448,990			De Faria-Cormea	09-1995	
15.	5,458,598			Lax et al.	10-1995	
16.	5,484,432			Sand	01-1996	
17.	5,496,271			Burton et al.	03-1996	
18.	5,505,790			Edwards	04-1996	
19.	5,509,929			Hascoet et al.	04-1996	
20.	5,540,879			Fram et al.	07-1996	
21.	5,558,872			Edwards et al.	09-1996	
22.	5,569,241			Edwards	10-1996	
23.	5,575,785			Baker et al.	11-1996	
24.	5,620,480			Rudie	04-1997	
25.	5,658,278			Imran et al.	08-1997	
26.	5,916,241			Rudie et al.	08-1999	
27.	5,964,755			Edwards	10-1999	
28.	6,006,755			Edwards	12-1999	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Complete if Known	
				Application Number	10/633,820
				Filing Date	August 4, 2003
				First Named Inventor	Brian Zelickson, et al
				Group Art Unit	3736
				Examiner Name	John Lacyk
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FOREIGN PATENT DOCUMENTS							
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		Office ³	Number ⁴				
	29.	EP	0 422 112 B1		JUL., 1996		

OTHER DOCUMENTS - NON PATENT LITERATURE							
Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.					T ²
	30.	R.C.M. McGouran, MD and J.M. Galloway, MD "A laser-induced scar at the cardia increases the yield pressure of the lower esophageal sphincter". Gastrointestinal Endoscopy, vol. 36, pp. 439-443, Nov. 5, 1990					
	31.	Hayashi et al., "The Effect of Non-Ablative Laser Energy on Joint Capsular Properties: An In Vitro Mechanical Study using a Rabbit Model." Comparative Orthopaedic Research Laboratory, University of Wisconsin-Madison, Mar. 1994, pp. 1-22					
	32.	Hayashi et al., "The Effect of Non-Ablative Laser Energy on the Ultrastructure of Joint Capsular Collagen." Comparative Orthopaedic Research Laboratory, University of Wisconsin-Madison, Jan. 1995, pp. 1-22					
	33.	Zhou et al., Thermal Modeling of Laser Photo Thermo Keratoplasty (LPTK), Ophthalmic Technologies II, 1992, SPIE vol. 1844, pp. 61-133.					
	34.	Fitzpatrick et al., "Pulsed Carbon Dioxide Laser Resurfacing of Photoaged Facial Skin," Arch Dermatol, Apr. 1998, vol. 132, pp. 395-401.					
	35.	Hruza et al., "Laser Skin Resurfacing," Arch Dermatol, Apr. 1998, vol. 132, pp. 451-455.					

Examiner Signature	Date Considered
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